

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL C. PARK

Appeal No. 1997-0198
Application No. 08/227,609

ON BRIEF

Before THOMAS, HAIRSTON, and SAADAT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 14. In an Amendment After Final (paper number 9), claim 3 was canceled. Accordingly, claims 1, 2 and 4 through 14 remain before us on appeal.

The disclosed invention relates to a method and apparatus for receiving and displaying traffic event information at a vehicle based upon a travel route model defined at the vehicle during an earlier traversal of the travel route.

Appeal No. 1997-0198
Application No. 08/227,609

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method of presenting traffic event information at a vehicle, the method comprising the steps:

transmitting a stream of traffic event information, said traffic event information including a descriptive portion and a location portion;

monitoring said stream of traffic event information at said vehicle;

comparing at said vehicle said location portion of said traffic event information relative to a previously stored travel route model specifying a corresponding travel route of said vehicle, said travel route model being defined at said vehicle while said vehicle was previously traversing said travel route; and

displaying for presentation at said vehicle a subset of monitored traffic events, said subset including only events which coincide geographically with said travel route.

The references relied on by the examiner are:

Sumner	5,164,904	Nov. 17, 1992
Martell et al. (Martell)	5,317,311	May 31, 1994
		(filed Sep. 13, 1990)

Claims 1, 2 and 4 through 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sumner.

Reference is made to the brief (paper number 14) and the answer (paper number 15) for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the 35 U.S.C. § 102(b) rejection of claims 1, 2 and 4 through 14.

All of the claims on appeal require the display of a subset of monitored traffic event information that coincides with a travel route model.

Appellant argues (brief, page 4) that Sumner does not select "information for display based upon a model of the route along which the vehicle is traveling," and that "[a] cell is not a route model."

The examiner contends that "the vehicle processor subsystem (103) receiv[es] all link messages for all cells and process[es] only those messages which the driver wishes to display thereby allowing the driver to discriminate from among data within an area and have displayed or reported only that data which is applicable to his or her particular direction of travel" (answer, page 4), and that "the reference of Sumner reads on the claimed route being stored as the vehicle is driven along that route, since the Bosch Travelpilot of Sumner stores data representing maps, these maps containing the cells defining travel routes and being stored on a compact disc so as to display the position of

Appeal No. 1997-0198
Application No. 08/227,609

the vehicle on the computer screen while the vehicle is moving along the travel route (see: column 7[,] lines 49 et seq[.])” (answer, pages 10 and 11).

The examiner’s contentions to the contrary notwithstanding, the link messages for cells and the Bosch road maps on CD are all provided to the vehicle in real time (abstract; column 3, lines 8 through 20; column 7, lines 35 through 65; and column 13, line 65 through column 14, line 2), and are not data in the form of a “travel route model” that was formed by the vehicle’s processor¹ during an earlier trip by the vehicle through the cell(s). Thus, we agree with appellant’s arguments.

The 35 U.S.C. § 102(b) rejection of claims 1, 2 and 4 through 14 is reversed because “[a]nticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention.”

Apple Computer, Inc. v. Articulate Sys., Inc., 234 F.3d 14, 20, 57 USPQ2d 1057, 1061 (Fed. Cir. 2000).

¹ In Zechnall (U.S. Patent No. 5,146,219), current vehicle location data is compared with stored “travel route” data to provide driving instructions to the driver of a vehicle (column 3, lines 18 through 23). In this Bosch patent, the stored data is “empirically determined beforehand by means of test vehicles” (column 3, lines 8 through 16). For your information and record, a copy of this patent is attached.

Appeal No. 1997-0198
Application No. 08/227,609

DECISION

The decision of the examiner rejecting claims 1, 2 and
4 through 14 under 35 U.S.C. § 102(b) is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
KENNETH W. HAIRSTON)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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MAHSHID D. SAADAT)	
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KWH:hh

Appeal No. 1997-0198
Application No. 08/227,609

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